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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/894,928 | 06/28/2001 | Andrew Ferlitsch | SLA 0374 | 7053 |
| 52894 | 7590 | 03/02/2007 | EXAMINER | |
| KRIEGER INTELLECTUAL PROPERTY, INC. P.O. BOX 1073 CAMS, WA 98607 | | | QIN, YIXING | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2625 | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE | | |
| 3 MONTHS | 03/02/2007 | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | |
|------------------------------|------------------------|-------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/894,928 | FERLITSCH, ANDREW |
| | Examiner Yixing Qin | Art Unit 2625 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 07 December 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-19 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 18 June 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 12/7/06, all requested changes have been entered.

Response to Arguments

Applicant's arguments with respect to claim 1-19 have been considered but are moot in view of the new ground(s) of rejection. The newly cited reference Barry et al ("Barry" – U.S. Patent No. 6,825,943) discloses a control file 110 that acts as a PISF file for the controlling and processing of a spool data file. Please see the rejection below for more detail.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1, 2, 4-10, and 12-19 rejected under 35 U.S.C. 102(e) as being anticipated by Barry et al (U.S. Patent No. 6,825,943).

Regarding claims 1, 18 and 19, Barry discloses a method for providing driver-independent, printer-independent page manipulation options in a printing system through a page-independent spool file index, said method comprising:

reading a spool data file for a document; (Fig. 2, item 202)

creating a Page-Independent Spool File (PISF) index file that is distinct from said spool data file, but based on data in said spool data file (control file – item 110), wherein said PISF index file identifies portions of said spool data file required to print independently-formatted page- specific units corresponding to each page of said document (column 4, lines 26-48); and

manipulating said PISF index file, after creation of said PISF index file, to effect document page format manipulation options, thereby producing a manipulated PISF index file (column 4, line 49 - column 5, line 7, column 7, lines 53-65); and

accessing said manipulated PISF index file to execute a print job. (Fig. 1b)

Regarding claim 2, Barry discloses the method of claim 1 further comprising providing a user interface for user manipulation of said PISF index file, after creation of said index file, to affect document page format manipulation options. (Fig. 1a, item 136, Fig.2a, item 214)

Regarding claim 4, Barry discloses the method of claim wherein said user manipulation is performed via a spooler user interface. (column 3, lines 35-42)

Regarding claims 5 and 8, Barry discloses the method of claim 1 wherein said PISF index file is created by a process that is independent of the process that created said spool data file. (Fig. 1 shows item 104 that the print driver created the job file, but the control file 110 is created from at spooler 108)

Regarding claims 6, 13, 15-17, Barry discloses the method of claim 1 wherein said PISF index file is created by a modified print processor. (Fig. 1 shows the control file 110 created by the spooler 108 – this spooler can read upon a processor/assistant since it facilitates the printing of a document between a driver and a printer.)

Regarding claim 7, Barry discloses the method of claim 1 wherein said PISF index file is stored independently of said spool data file. (Fig. 1a shows the job and control files as separate entities, also see column 3, lines 8-23)

Regarding claims 9 and 12, Barry discloses the method of claim wherein said manipulation of said PISF index file comprises changing collation options. (column 6, lines 28-51, especially lines 45-46)

Regarding claim 10, Barry discloses a method for performing document formatting options in a printing system, said method comprising:

manipulating a PISF index file to effect document formatting after creation of said PISF index file (Fig. 2a, items 204, 206,214), wherein said PISF index file comprises independently-formatted page-specific units corresponding to each page of a document, wherein said independently-formatted page-specific units are based on document-wide, persistent, page formatting data in a spool data file (Fig. 2a, and column 7, lines 18-38); and

accessing said manipulated PISF index file to execute a print job. (Fig. 2a, steps 204-218)

Regarding claim 14, Barry discloses a method for obtaining page-independent print data in a printing system, said method comprising:

reading a PISF index file that is separate from a spool data file (Fig. 2a, item 204), wherein said PISF index file comprises independently-formatted, page-specific units derived from document-wide, persistent, page formatting data in said spool data file (Fig. 2a, and column 7, lines 18-38); and

accessing data indexed in said independently-formatted units to form a print job. (Fig. 2a, steps 204-218)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al (U.S. Patent No. 6,825,943) in view of the applicant's admitted prior art in the background of the invention ("background")

Regarding claims 3 and 11, Barry discloses a method for creating and manipulating index files of pages of a print job.

It does not explicitly disclose "wherein said manipulating comprises re-ordering of pages in said document."

However, the background discloses in page 2, lines 7-19 that there are various formatting options that a user can manipulate such as booklet, n-up and reverse order printing that can affect the order of the pages being printed.

Barry and the background are combinable because both reference disclose techniques using indices to facilitate the printing of a print job.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included various common formatting options such as those disclosed in the background in the Barry invention.

The motivation would be to enhance the capabilities of the Barry invention by allowing more manipulation options.

Therefore, it would have been obvious to combine Barry and the background to obtain the invention as specified.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

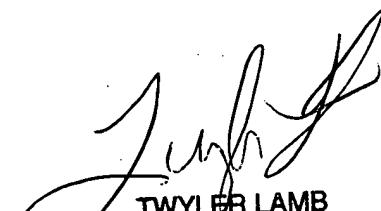
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YQ



TYLER LAMB
SUPERVISORY PATENT EXAMINER